

COUNTY NOTICES PURSUANT TO A.R.S. §§ 49-112(A) or (B)

Maricopa County

Environmental Services Department, Technical Services Division

Notice Of Proposed Rules to be Adopted Pursuant to A.R.S. §§ 49-112(A) or 49-112(B)

1. **Heading and number of the proposed rule, ordinance, or other regulations**

Revisions To Rule 220 (Non-Title V Permit Provisions)

New Rule 321 (Municipal Solid Waste Landfills)

New Rule 347 (Ferrous Sand Casting)

Revisions To Rule 360 (New Source Performance Standards)

Revisions To Rule 370 (Federal Hazardous Air Pollutant Program)

2. **Summary of the proposed rules, ordinance, or other regulations**

Revisions To Rule 220 (Non-Title V Permit Provisions)

Rule 220 was adopted by the Maricopa County Board Of Supervisors three years ago. After having put Rule 220 into practice for the last three years, both Maricopa County Environmental Services Department staff and the regulated community are aware that Rule 220 does not allow a permitted source enough flexibility to make modifications to a source (i.e., to change source operating procedures or to change source operating equipment).

Under the current version of Rule 220, a source that has the potential to emit pollutants below the major source threshold (i.e., less than 100 tons per year of any conventional air pollutant) must apply for a Non-Title V permit. The Control Officer will issue a source a Non-Title V permit provided the source has submitted a complete Non-Title V permit application that satisfies the criteria of Rule 220. In addition, according to the current version of Rule 220, once a source has a Non-Title V permit, the source is allowed to make certain modifications in operation and equipment without having to notify the Control Officer and is allowed to make other modifications depending on the complexity of the modifications after submitting to the Control Officer an administrative permit amendment application, a minor permit revision application, or a non-minor permit revision application.

The proposed revisions to Rule 220 allow a source with a Non-Title V permit to make modifications at the source with either no paperwork or with minimal paperwork, so long as the source has applied for and has received an "emissions cap". Maricopa County recognizes that the issues raised regarding these proposed revisions to Rule 220 are complicated. However, the goal of the proposed revisions to Rule 220 has always been and continues to be to allow a source with a Non-Title V permit more flexibility to make modifications while also protecting the public from health risks.

New Rule 321 (Municipal Solid Waste Landfills)

Maricopa County is proposing Rule 321 in order to regulate emissions from existing municipal solid waste landfills. This proposed rule is based on an Emission Guideline made final by the U.S. Environmental Protection Agency on March 1, 1996 (61 FR 9919, March 12, 1996).

As proposed, Rule 321 incorporates by reference the New Source Performance Standard (NSPS) for Municipal Solid Waste Landfills, and amends it to apply to landfills for which construction, reconstruction or modification began before May 30, 1991. Large landfills that have a nonmethane organic compound (NMOC) emission rate of 50 megagrams per year or more will be required to control emissions. In general, controlling emissions will involve drilling collection wells into the landfill and routing the gas to a suitable energy recovery system or combustion device.

New Rule 347 (Ferrous Sand Casting)

This summary concerns the third public draft of Rule 347, "Ferrous Sand Casting". There is currently only one existing facility having sufficient VOC emission to be affected by the rule's main provisions. The main provisions limit VOC emitted from the binder-material in casting-sand by requiring either that VOC-emissions be reduced with a control device or that the use of organic compounds in the casting sand be limited; organic compounds emit VOC. A second facility, slated to be similarly affected by this rule, has committed to closing down its operation before March 1997.

The Department has previously judged as infeasible requiring the standard 81 percent VOC reduction obtained by using a control device. This is because the costs for this control were over twice the maximum allowed for a RACT (Reasonably Available Control Technology) level of control.

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The provisions in the second draft of this rule have been deleted which required a facility reaching 25 tons per year (≥ 25 TPY) of VOC emission to install a control device system, should the cost per ton of VOC reduction ever drop below \$5000.00 in 1992 U.S. dollars. (EPA's cost formulas are used to calculate this expense).

We have kept the site-specific provision that limits the ratio of organic binder material in binder-sand at the county's largest ferrous sand-casting facility (on South Kyrene Road in Tempe). Language is proposed that is intended to limit the amount of casting that is exempted from these provisions. The mathematical formula for determining the organic-to-binder ratio has been adapted and refined for use with all organic compounds, not just VOC.

The draft also generically proposes that an organic-ratio limit, similar to the site-specific limit, be imposed on all future ≥ 25 TPY ferrous casting facilities using binders and production methods which are comparable to the Tempe site. There is an alternative provision which proposes that this generic ratio be used only after the facility has made a detailed study demonstrating that 81 percent VOC-control is not feasible.

Revisions To Rule 360 (New Source Performance Standards)

and

Revisions To Rule 370 (Federal Hazardous Air Pollutant Program)

In order to be consistent with recent revisions to the Arizona Department of Environmental Quality rules regarding New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAP), Maricopa County is proposing to revise Rule 360 and Rule 370.

The proposed revisions to Rule 360 and Rule 370 incorporate by reference sections of the Code of Federal Regulations (CFR) which will allow Maricopa County to implement Section 111 and Section 112 of the Clean Air Act Amendments of 1990. These federal standards regulate emissions from stationary sources, with NSPS directed at six criteria pollutants (carbon monoxide, ozone, oxides of nitrogen, lead, sulfur dioxide, and particulate matter) and NESHAP directed at the hazardous air pollutants (HAPs) listed in Section 112 of the Clean Air Act.

3. A demonstration of the grounds and evidence of compliance with A.R.S. 49-112(A) or A.R.S. 49-112(B)

Based on information and belief, the Control Officer of the Maricopa County Environmental Services Department affirms the following:

- A. Maricopa County is in compliance with A.R.S. § 49-112(A) in that Maricopa County Environmental Services Department is proposing to adopt rules that are not more stringent than nor are in addition to a provision of A.R.S. Title 49 or rule adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Any changes to the Maricopa County Air Pollution Control Regulations that might incur due proposed revisions to Rule 220, New Rule 321, the New Rule 347, revisions to Rule 360, and revisions to Rule 370 will address emission limitations which reduce concentrations of ozone and implement control measures proposed for inclusion in the State Implementation Plan (SIP) for the Maricopa County Non-attainment Area.

- B. Maricopa County is in compliance with A.R.S. § 49-112(B) in that Maricopa County Environmental Services Department is proposing to adopt rules that are as stringent as a provision of A.R.S. Title 49 or rule adopted by the Director of ADEQ or any Board or Commission authorized to adopt rules pursuant to A.R.S. Title 49. The cost of obtaining permits or other approvals from Maricopa County will approximately equal or be less than the fee or cost of obtaining similar permits or approvals under Title 49 or any rule adopted pursuant to Title 49.

Maricopa County fails to meet the National Ambient Air Quality Standards (NAAQS) for carbon monoxide (CO), ozone and particulates. In addition, Maricopa County is the only ozone nonattainment area in Arizona. Maricopa County may adopt rules that are more stringent than the State pursuant to A.R.S. § 49-112 as enacted in 1994, provided that the emission standard is required by law or is necessary and feasible to prevent a significant threat to public health or the environment that results from a unique local condition.

4. Name and address of the person to whom persons may address questions or comments

Name: Jo Crumbaker, Planning & Analysis Section Manager

or

Johanna M Kuspert, Environmental Planner

Address: Maricopa County Environmental Services Department
Technical Services Division
Park Centre
2406 South 24 Street Suite E-111
Phoenix Arizona 85034

Telephone: (602) 506-6705 or (602) 506-6710

Fax: (602) 506-6179

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5. Where persons may obtain a full copy of the proposed rules, ordinance, or other regulations

Name: Maricopa County Environmental Services Department
Technical Services Division

Address: Park Centre
2406 South 24 Street Suite E-111
Phoenix, Arizona 85034

Telephone: (602) 506-6710 or (602) 506-6010

Fax: (602) 506-6179

Maricopa County

Environmental Services Department, Technical Services Division

Notice Pursuant To A.R.S. §§ 49-112(A) or 49-112(B)

1. Heading and number of the proposed rules, ordinance, or other regulations that are the subject of this public workshop

Revisions To Rule 220 (Non-Title V Permit Provisions)
New Rule 321 (Municipal Solid Waste Landfills)
New Rule 347 (Ferrous Sand Casting)
Revisions To Rule 360 (New Source Performance Standards)
Revisions To Rule 370 (Federal Hazardous Air Pollutant Program)

2. Date, time, and location of each public workshop scheduled

Public Workshop #1

Date: January 15, 1997
Time: 9 a.m. to noon
Location: Maricopa County Flood Control District Office
Adobe Room
2801 West Durango
Phoenix, Arizona 85009

Public Workshop #2

Date: February 5, 1997
Time: 9 a.m. to noon
Location: Maricopa County Flood Control District Office
Adobe Room
2801 West Durango
Phoenix, Arizona 85009

Nature of Both Public Workshops: Public workshops to discuss the above listed rules.

Note: Written comments regarding the rules discussed during public workshop #1 are due by 5 p.m. Monday, January 27, 1997.
Written comments regarding the rules discussed during public workshop #2 are due by 5 p.m. Friday, February 14, 1997.

3. County personnel to whom questions and comments may be addressed

Name: Jo Crumbaker, Planning & Analysis Section Manager

or

Johanna M. Kuspert, Environmental Planner

Address: Maricopa County Environmental Services Department
Technical Services Division
Park Centre
2406 South 24 Street Suite E-111
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Fax:

(602) 506-6179

4. **Any other pertinent information concerning the above described rules, ordinance, or other regulations**
Please refer to the Notice Of Proposed Rules which appears in this issue of the *Register*.